

HAUSER'S NERVE BREAKS AS TRIAL APPROACHES END

Bandit Weeps for First Time After Defense is Presented to Jury in Trial for Smith Murder.

CASE WILL GO TO JURY TODAY

Attorneys Present Arguments, Alternately Pleading Conviction and Release.

HE ASKS DEATH OR ACQUITTAL

Arthur Hauser, bandit and alleged murderer—whose cold nerve has upheld him, unshaken, through desperate crimes, an escape from the Colorado penitentiary, flights from justice with a price on his head, solitary confinement and the prospect of the death chair—broke down yesterday after his defense, on which he relies to save him from the death chair, had been presented to the jury in Judge English's district court.

At noon yesterday, just twenty-four hours previous to the time when it is probable the jury will take his fate in its hands in his trial for the murder of W. H. Smith, Hauser, wept in his cell in the county jail.

Tears ran down his face. "Bring my wife here," he begged to Sheriff McShane, referring to Mrs. May Hauser, who had just attempted to save his life by testifying to an alibi for him. "I may not see her many times more. I want to talk to her."

Wants Death or Acquittal. It was after court had finished its afternoon session, however, before Hauser's wife and baby and his mother visited him. Then he was more cheerful. "I want death or acquittal," he told Deputy Sheriff Joe Wright, county attorney, Edward F. Rooney, of Topeka, who had made the same demand of the jury.

Case to Go to Jury Today. The case will go to the jury at noon today, according to last night's indications. The defense rested at noon yesterday, Hauser not taking the witness stand in his own defense.

The jury must convict Hauser of first degree murder while attempting to rob or acquit him, County Attorney Magney having dismissed a second count of the information which would have permitted conviction of manslaughter, a lesser offense. If the jury convicts him, it must decide whether death or life imprisonment shall be the penalty for the slaying of W. H. Smith at Thirty-first and Dodge streets October 16.

Three attorneys talked yesterday afternoon. This morning J. E. Bodnar will sum up the defense, County Attorney Magney will close for the prosecution, District Judge English will instruct the jury and the case will be given to the jury.

Strong Plea for Hauser. Attorney Rooney made a powerful plea for Hauser. He dwelt on the testimony of the wife in the bandit's behalf and the failure of the state to impeach her by the testimony of a laundry driver, which were the outstanding features of the morning session of court and whose dramatic force was sufficient to break the nerve of the alleged murderer.

"It is circumstantial evidence on which the state asks you to convict Arthur Hauser," began the lawyer. "Many a victim of circumstantial evidence lies buried under the sod. But if you believe it is your duty to take Arthur Hauser from a wife and baby and aged mother and send him to the electric chair, I say do it.

"If you believe him guilty of the foul murder of W. H. Smith, send him to the electric chair. A verdict to the penitentiary would prove you are not sure. It would prove you are sworn to acquit him if you are not sure.

"The law of Nebraska is asking a human life in atonement for crime. It is asking its pound of flesh.

"So, too, we demand the extreme, the (Continued on Page Four, Column One.)

DEATH CLAIMS ONE OF OMAHA'S LEADING MERCHANTS.



THOMAS KILPATRICK.

THOMAS KILPATRICK IS VICTIM OF GRIPPE

Answers Call of Grim Reaper Less Than Two Months After the Death of His Wife.

FUNERAL TO BE ON SATURDAY

Thomas Kilpatrick, pioneer merchant of Omaha and head of the dry goods firm of Thomas Kilpatrick & Co., died at his home, 3100 Chicago street, at 1 o'clock Friday. Bronchitis and grip were the cause of his death. His son-in-law and daughter, Mr. and Mrs. George Mixer of Moline, Ill., were with him at the end.

Mr. Kilpatrick came to Omaha twenty-eight years ago and established the great firm which bears his name. He was active in the business until about eight years ago, when ill health caused him to take a less active part, although he always maintained his interest in it and was always a worker for the welfare of his employees. A substantial cash gift to a number of those who had been in his service for a long time was one of his quiet benefactions which became public a few years ago.

Wife Died Recently. Mrs. Kilpatrick preceded her husband in death by less than two months. She died November 22, 1915. Mr. Kilpatrick was 53 years of age. He was born in Scotland and came to the United States when he was a young man, settling first in Boston and later becoming a merchant in Cleveland, from which city he came to Nebraska.

Funeral Saturday. Funeral services will be held at his late residence, 3100 Chicago street, this afternoon at 2 o'clock, after which the body will be taken to Cleveland, O., where it will be laid beside that of his wife in Lake View cemetery.

Encampment, Wyo., Jan. 14.—(Special.)—Realizing the futility of attempting to reach shelter in the teeth of a fifty-mile gale in zero weather, Jack Green of this place laid down near the Big creek trail, folded his hands across his breast and froze to death. His body was found by searching parties within a quarter of a mile of David Bird's ranch, his destination.

Green's death is the second from exposure in Wyoming this winter.

Fall of Earth Kills Two.

BINGHAM, Utah, Jan. 14.—Louis Pappas and Mike Desgrain, miners, both single, were killed by a fall of earth and rock in the Utah-Apex mine about midnight last night.

WYOMING MAN LIES DOWN UPON PRAIRIE AND FREEZES

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Marinell, Pioneer Italian, Is Dead

J. Marinell, an Omaha pioneer Italian, died at his residence, 87 South Twenty-first street yesterday afternoon, aged 84 years. He had been ill about three months. Arrangements for the funeral have not been completed. He is survived by his widow and four sons, Henry, John, Tony and Joseph, and a daughter, Mrs. Procadio.

Mr. Marinell had been a resident of Omaha thirty-five years and during most of that time had been engaged in the fruit jobbing and commission business. He was prominent in local Italian circles and was the first treasurer of the Omaha Italian club.

WILSON WON'T SEND AN ARMY ACROSS BORDER

Administration Has No Intention of Intervening in Mexico. Says Those Close to the Chief.

WORKS ASKS THAT IT BE DONE

Head of Foreign Affairs Committee Says War Talk is Unfair and Absurd.

GIVE NEW REGIME A CHANCE

WASHINGTON, Jan. 14.—At today's meeting it was decided that the present policy would be maintained and General Carranza would be depended on to punish the Villa bandits who killed American citizens. No formal announcement was made, but officials close to the president declared the administration had no intention of armed intervention in Mexico at present. The view was reiterated that Carranza should be given an opportunity to demonstrate his ability to restore order. This was encouraged by a telegram from Carranza to his ambassador here promising every effort to run down the bandits.

The attacks on the administration in the senate and house were gone over at the meeting and Secretary Lansing presented reports from the border.

It is generally agreed that, beyond making the representations already sent Carranza, with which he has promised to comply, no further steps should be taken at present. Whether each member of the cabinet agreed with that view was not disclosed.

The president and members of his cabinet were represented as being deeply shocked over the murder of Americans, but as believing that the Carranza authorities should be able to control the situation.

Carranza Replies.

General Carranza today telegraphed his ambassador as follows from his headquarters at Queretaro: "The murderous attack on the passenger train near Chihuahua was made by the only remaining band of outlaws. This band is being pursued by my troops with a view to its capture, whereupon punishment, which their crime deserves, will be applied to every guilty participant.

"Troops of the constitutional government have been ordered to establish patrols from coast to coast of the railroad line, in order to ferret out similar outrages."

General Carranza's dispatch was the first direct assurance that he will comply with the urgent representations of the United States government. Upon the success of the steps he takes the next move in the Mexican situation seems to depend.

Senator Works, republican, of California, today introduced a resolution authorizing and directing the president to intervene in Mexico to establish and maintain a government there until it is safe to withdraw.

"Up to this time," said Senator Works, addressing the senate, "congress has permitted all responsibility for conditions in Mexico to rest upon the president. It is too grave a responsibility. We have all sympathized with the president with the hope that conditions would right themselves without intervention. I very much doubt now that such a peaceful outcome is possible.

"Congress alone has the right to declare war, and that is what intervention means. Congress should courageously shoulder the responsibility. There is no reason for dividing the responsibility (Continued on Page Two, Column Two.)

HEAD OF MOVEMENT TO ENROLL ENTIRE COUNTRY FOR PREPAREDNESS—Mrs. William Alexander of New York, president of the National Special Aid society, an organization to arouse women in behalf of more adequate national defense.



MRS WILLIAM ALEXANDER

WARMER WEATHER ON WAY TO OMAHA

Cold Wave Goes East to Atlantic, While Colonel Welsh Predicts Rising Temperature.

WARM IN WESTERN NEBRASKA

"Going up," says the thermometer. From 12 below zero at 6:30 a. m. yesterday it crawled steadily upward, attaining a position of only 1 below zero at 12 o'clock and still rising, while the south wind blew and gave promise of balminess.

The Omaha cold wave has gone east and is now being felt along the Atlantic coast. Marked rises are noted all over the west. At North Platte and Valentine, Neb., the morning temperatures were 15 below and 12 below, being rises of 12 degrees in twenty-four hours.

Some other 7 a. m. temperatures were: Sioux City, 14 below; Kansas City, 6 below; Des Moines, 15 below; St. Paul, 15 below; Chicago, zero.

Prince Albert, Canada, is experiencing quite a warm spell—warm for P. A.—that is. The temperature there is up to 25 below zero. The coldest place in the U. S. A. this morning was Bismarck, N. D., with 23 below zero.

Railroads Report Warmer. It is becoming warmer throughout Nebraska and according to the station reports coming to the railroads the belief is that the back of the cold spell, if not broken, has been considerably bent.

Thursday railroad reports indicated that there was not a spot in Nebraska where it was about zero. Yesterday morning the reports showed three spots with temperatures above. Elsewhere the weather was at zero or below.

As the railroads found the conditions, the three warmest spots in the state were Crawford, 15; Alliance, 8 and Whitman, 4 degrees below zero. The points named are all in the extreme west, or northwest portions of Nebraska and this is taken to indicate that warmer weather is working this way.

However, farther north and northwest the weather continues cold. All through the Big Horn basin country of Wyoming this morning temperatures of from 10 to 25 degrees were reported. It is asserted that zero is pretty cold weather for that section of the state.

Reprisals in Case Of Baralong Ordered

BERLIN (By Wireless to Sayville), Jan. 14.—The German government has transmitted to Great Britain through the American embassy a note which declares that as a result of Great Britain not fulfilling Germany's demand for an explanation of the circumstances surrounding the sinking of a German submarine by the British patrol boat Baralong Germany will adopt suitable measures of reprisal.

Senator Curran introduced bills to reorganize and increase National Guard. Senator Works, republican, introduced resolution for armed intervention in Mexico.

The House. Navy and military affairs committee continued hearings. Ways and means committee held first hearing on bill to protect American manufacturers of dynamite.

Tomorrow the Best Colored Comics

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VILLA GETS MEAT; TO KILL GRINGOS

Bandit Threatens Death to All Americans Found West of Chihuahua City.

SPECIAL BEARS DEAD TO BORDER

BUENAVISTA. WASHINGTON, Jan. 14.—All Americans at Matamoros, Mexico, are reported safe in official dispatches today to the State department, which specifically deny the report of the murder of ten Americans and two English women. The colony there was attacked by bandits who were routed.

BUENAVISTA. EL PASO, Tex., Jan. 14.—A long special train left Chihuahua City at 8:30 this morning for Juarez, bearing 41 and said all foreigners to the border that could be persuaded to leave the district. They included all employees of the American Smelting and Refining company. A special train left Juarez early today for Parral, western Chihuahua, to bring out about 200 foreigners in the camps there. There has been no telegraphic communication with Parral since January 10.

A United States official sent to Juarez to report on stories of irritation there on the result of the rioting here last night, was stopped by a Mexican, who asked: "What do those gringos mean by killing Mexicans over there?" The official replied that he had heard nothing of it.

United States army patrols were withdrawn from the business district today. Tranquility prevailed where last night riotous scenes were enacted, attributed to resentment against the killing of Americans at Santa Ysabel, Chihuahua. When the disorders passed beyond control of the local police army patrols were sent to assist local officers in quelling the disturbances.

A call was circulated today for a mass meeting to protest against the "massacre of Santa Ysabel." Mayor Tom Lea, however, stopped the circulation of the call and forbade the meeting until Americans now in Mexico could be brought to the border.

JOPLIN, Mo., Jan. 14.—A verdict of not guilty was returned today by the jury in the case of the Menace Publishing company of Aurora, Mo., and four of its officials who were charged in federal court here with misuse of the mails.

The jury delivered its verdict at 2:30 o'clock after having had the case in its hands more than twenty hours. The individuals who, with the publishing company, were defendants in the trial, are Wilbur F. Phelps, business manager of the company; Bruce M. Phelps, superintendent; Marvin Brown, managing editor, and Theodore C. Walker, said to be editor of the Menace, a newspaper.

An indictment containing eight counts was returned against the publishing company and four individuals by a federal grand jury sitting in Joplin in January, 1915. The indictment charged the defendants with sending obscene matter through the mails.

GRANT OIL RIGHTS TO OPERATORS IN WYOMING

WASHINGTON, Jan. 14.—In committee of the whole house today adopted provisions of the mineral and leasing bill, which will grant leasing rights to oil inspectors in California and Wyoming fields who were disposed of by President Taft's withdrawal and the supreme court's approval. The vote indicated passage of the provisions of the bill on final vote.

Fate of Price Now In Hands of a Jury

MINNEAPOLIS, Jan. 14.—The case of Frederick T. Price, a local business man charged with murdering his wife, went to the jury at 5:45 p. m. Price has been on trial in district court for ten days.

Pope Probably Will Deliver Allocution About War Soon

ROME, Jan. 14.—There is a general belief in Vatican circles that the pope will deliver another important allocution about war in the consistory at the end of February.

It is considered certain that the pontiff will call the consistory either for the end of February or shortly afterwards to impose red hats upon newly created cardinals, Scapanelli and Fruhwith, papal nuncios at Vienna and Munich, respectively, who would thus leave their posts, being replaced according to present reports at Vienna by Monsignor Locatelli, now internuncio at Buenos Aires and at Munich by Monsignor Aversa, now internuncio for Brazil.

The holy see did nothing up to today either directly or indirectly to solicit from either group of belligerents any invitation to participate in or preside at a peace conference, says the Catholic organ Corriere d'Italia in an article evidently inspired by the Vatican.

Both groups of belligerents, the paper adds, thus far, intend to be completely victorious, detailing conditions of peace outside of any extraneous interference. The aim of the pope is to employ all possible means to render the conflict less painful to humanity. If the pope were present at a peace congress, his adherence to the treaty would bind the conscience of all Catholic subjects of the contracting nations, making it more difficult for any government to break the agreement.

The pope, it asserts, does not count upon the European conflict for the solution of the Roman question, which, as Cardinal Gasparri said, will not be settled by the force of arms.

AUSTRIAN ARMY TAKES CAPITAL OF MONTENEGRO

Official Statement from Vienna Announces the Occupation of Cetinje by the Teutonic Forces.

PALACE AND CITY UNDAMAGED

London Report Says Attack of Central Empires on Saloniki Has Not Yet Begun.

ITALY'S ATTITUDE IS PECULIAR

VIENNA, Jan. 14.—The capture of Cetinje, capital of Montenegro, was announced by the war office. The official announcement states: "The capital of Montenegro is in our hands. Our troops, pursuing the beaten enemy yesterday afternoon, entered Cetinje. The residence of the Montenegro king and the town are undamaged. The population is calm."

French Blow Up Bridges. LONDON, Jan. 14.—It is authoritatively announced today that the reported offensive of the Teutonic allies in Greece did not occur. The rumors that the attack had begun against the forces of the allies, apparently originated in the activity of the French in blowing up the bridges connecting Saloniki with the road over which the attackers would normally travel. Bridges were destroyed by the French not only at Demir Hisar, on the Struma, near Serres, but also at Klindri, south of Doiran. All the bridges destroyed were in Greek territory.

The rumors that Austria and Montenegro have suspended hostilities for the purpose of discussing arrangements whereby further warfare on Montenegrin soil should be stopped, may be based simply on the fact that the Austrian advance in Montenegro has become so slow that suspicion of a suspension of hostilities is naturally aroused. Military critics, however, are of the opinion that Montenegro is now in such a position that some form of arrangement with its adversary has become imperative.

Italy's Attitude Peculiar. Speculation is rife as to the attitude which Italy has adopted with regard to the invasion of Montenegro by the Austrians which constitutes a grave menace to Italian interests. The fact that Italy's superior fleet did not prevent an Austrian squadron from assisting in the reduction of Mount Lovcen, which dominated the harbor of Cattaro is commented upon, though experts believe that there is not a sufficient basis of information from which to draw deductions in the matter and they suggest that Italy's action in the present juncture should be awaited before judgment is passed, and that action they point out would naturally be kept secret as long as possible.

All Reticent About Gallia.

News of the developments in the military operation in Gallia and Mesarica is awaited with much interest here and it is observed that both sides are unusually reticent with regard to the operations. Austria usually sends out the first information on the military activities in that region, but beyond a general review of the Russian offensive movement it gives today but little light on the happenings on its eastern front. The Austrian military authorities affirm that the sole result of the Russian offensive to date has been the pushing back of one Austrian battalion for a few hundred yards.

Four Are Charged With Trying to Ship Rubber to Germans

NEW YORK, Jan. 14.—Four men and a woman were indicted today by a federal grand jury on a charge of conspiring to violate the customs laws of the United States by shipping contraband rubber to Germany.

Those indicted were: Edward Weber, a cousin of Albert Weber, an official of the Deutsche Bank in Berlin; Paul Schmidt, Weber's partner in the rubber and Guayule agency of this city; Max Jaeger, a German maker of automobile accessories; Mrs. Annie Dekkers, a native of Holland, and Richard Wohlberg, a naturalized citizen, who operates a rubber and cement factory here. The Guayule agency is also made a defendant.

Harold Content, assistant United States attorney, says Mrs. Dekkers was to have been the go-between. Her sex and the fact that she had been in the habit of making frequent transatlantic trips were relied upon to protect her from suspicion. The rubber was to be carried by her as personal baggage.

Four and a half tons of rubber were obtained by the alleged conspirators, according to Mr. Content, before the attempt at shipment was made. On November 27 Mrs. Dekkers took passage on the Holland-America steamer liner Ryndam, bound for Rotterdam. She had four trunks and eight packing cases filled with rubber, but which was marked personal baggage. Acting on information given the customs authorities by British agents Mrs. Dekkers' baggage was held up and she was not permitted to sail.

The defendants will be arraigned in the federal district court next Monday.

Quit Houses in Boats In Flood and Cold

EVANSVILLE, Ind., Jan. 14.—Launched today were busy in the Ohio river below this city, taking families from houses threatened by the rising water. According to reports received here, twenty-five families were rescued from homes in the vicinity of Mount Vernon, Ind. The removal was made in below zero weather.

The river was at forty-two feet and began to encroach on outlying residence sections.

The Weather

Forecast till 7 p. m. Saturday: For Omaha, Council Bluffs and Vicinity: Fair; rising temperature.

Table with 3 columns: Time, Temp., Wind. Rows for 5 a.m., 6 a.m., 7 a.m., 8 a.m., 9 a.m., 10 a.m., 11 a.m., 12 m., 1 p.m., 2 p.m., 3 p.m., 4 p.m., 5 p.m., 6 p.m., 7 p.m., 8 p.m., 9 p.m., 10 p.m., 11 p.m.

Comparative Local Record.

Table with 3 columns: Year, High, Low. Rows for 1916, 1915, 1914, 1913, 1912, 1911, 1910, 1909, 1908, 1907, 1906, 1905, 1904, 1903, 1902, 1901, 1900.

Reports from Stations at 7 P. M.

Table with 4 columns: Station, Temp., High, Rain. Rows for Cheyenne, Denver, Des Moines, Lander, North Platte, Omaha, Pueblo, Rapid City, Santa Fe, Sheridan, Sioux City, Valentine.

T indicates trace of precipitation.

1916 Will be A Busy Year. Keep Abreast of Current Events By Reading The Bee.

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